

Remarks

Claims 26-32 are currently pending in the Application and Claim 31 has been canceled without prejudice.

Claim amendments

This response cancels Claim 31 without prejudice.

This response amends Claim 32 to clarify the language of the claim. No new matter has been added.

Claim objection

The Examiner objects to Claim 31 for being duplicative of Claim 30. Applicant submits that Claim 31 has been canceled without prejudice and requests that the objection be withdrawn.

35 U.S.C. §103(a) Rejection

Claims 26-32 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Nakamura (U.S. Patent No. 5,721,709).

Applicant submits that the Examiner has **not** established a *prima facie* case of obviousness for the claims rejected under 35 U.S.C. §103(a). Applicant notes:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure" (emphases added) *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant submits that the Examiner has failed to show that Nakamura teaches each and every element as claimed in the present application for the following reasons.

Claim 26

A. Applicant submits that the Examiner has not shown that Nakamura discloses, suggests or teaches, *inter alia*, at least the following features recited by Claim 26 of the present application:

“a decoder ... arranged to stimulate ... a respective combination of the intermediate nodes”

Although the Examiner does not expressly identify where Nakamura discloses a “decoder” as recited in Claim 26, the Examiner seems to imply that the “decoder” as recited in Claim 26 is disclosed by Nakamura’s logic that is between “PD” and WD.” See page 3, lines 12-17 of the Office Action. According to Claim 26, “the decoder is arranged to perform a plural-stage process” and according to the Examiner, Nakamura’s logic that is between “PD” and WD” allegedly performs the “plural-stage process” as recited in Claim 26. See page 3, lines 12-17 of the Office Action.

Because the Examiner alleges that Nakamura’s logic that is between “PD” and WD” performs the “plural-stage process” as recited in Claim 26, Applicant presumes that the Examiner considers Nakamura’s logic that is between “PD” and WD” to be a “decoder” as recited in Claim 26. If that is not the case, Applicant respectfully request that the Examiner comply with 37 C.F.R. §1.104(c)(2) which states:

“In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes invention other than that claimed by Applicant, **the particular part relied on must be designated as nearly as practicable**. The pertinence, if not apparent, must be clearly explained and each rejected claim specified” (emphases added).

If the Examiner does not consider Nakamura's logic that is between "PD" and WD" to be a "decoder" as recited in Claim 26, Applicant request that the Examiner "designate as nearly as practicable" where Nakamura teaches discloses or suggests a "decoder" as recited in Claim 26.

However, if the Examiner does consider Nakamura's logic that is between "PD" and WD" to be a "decoder" as recited in Claim 26, Applicant submit that Nakamura does not teach, disclose or suggest "intermediate nodes" as recited in Claim 26 for the following reasons.

According to Claim 26, the "decoder" is "arranged to stimulate ... a respective combination of the intermediate nodes." The Examiner seems to assert that the "intermediate nodes" as recited in Claim 26 are disclosed by Nakamura's nodes that are between "PD" and "DEC" or Nakamura's nodes that are between "DEC" and WD." See page 3, lines 5-7 of the Official Action. However, contrary to the Examiner and for the reasons stated above, Nakamura's decoder is formed of the logic and nodes that are between "PD" and WD." How can the logic and nodes that form Nakamura's decoder also disclose the "intermediate nodes" as recited in Claim 26 that are stimulated by Nakamura's decoder? Applicant submit that Nakamura's nodes that are between "PD" and "DEC" or "DEC" and WD" cannot possibly be the "intermediate nodes" as recited in Claim 26 because Nakamura's decoder is composed of the logic and nodes that are between the "PD" and "WD" and "DEC" is disposed between "PD" and "WD."

Applicant submits that the Examiner has not shown that Nakamura discloses, suggests or teaches the "intermediate nodes" as recited in Claim 26, because Nakamura's nodes that are between "PD" and "DEC" or "DEC" and WD" cannot possibly be both a "decoder" **and** the "intermediate nodes" as recited in Claim 26. Hence, Claim 26 is patentable over Nakamura and should be allowed by the Examiner. Claims 27-30, at least based on their dependency on Claim 26, are also believed to be patentable over Nakamura.

B. Applicant submits that the Examiner has not provided any references that disclose, suggest or teach, *inter alia*, at least the following features recited by Claim 26 of the present application:

“the plural-stage process comprises the determination of a word of a predetermined constant weight code”

The Examiner asserts that it would have been obvious to one having ordinary skill in the art to provide the process of decoding with detecting all single/multiple bit errors effectively. See paragraph bridging pages 3-4 of the Office Action.

By not providing any references that disclose “determination of a word of a predetermined constant weight code” as recited in Claim 26, the Examiner appears to rely on facts within his personal knowledge. Applicant respectfully requests, under 37 C.F.R. § 1.104(d)(2), that the Examiner provide an Affidavit supporting the Examiner’s assertions. If the Examiner is relying on a prior art reference Applicant respectfully request that the Examiner cite the reference. Otherwise, Applicant respectfully requests that the assertion be withdrawn and Claim 26 be allowed.

Claim 32

Applicant submits that, at least for the reasons stated above for Claim 26, Nakamura does not at least teach, disclose or suggest “arranging the decoder to perform the determined plural-stage process in determining which of the intermediate nodes to stimulate in response to each address value” as recited in Claim 32. Hence, Claim 32 is patentable over Nakamura and should be allowed by the Examiner.

The Examiner is encouraged to contact the undersigned to discuss any other issues requiring resolution.

Conclusion

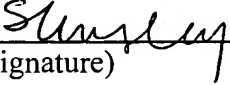
In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendments
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January 9, 2006
(Date of Deposit)

Shannon Tinsley
(Name of Person Signing)


(Signature)

January 9, 2006
(Date)

Respectfully submitted,



Robert Popa
Attorney for Applicant
Reg. No. 43,010
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036
(323) 934-2300

Encls:
Petition for a one-month extension of
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